IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CM No.20386 of 2006 and
CWP NO.18424 of 2005

DATE OF DECISION: December 12, 2006

Dharam Pal Jindal

….Petitioner

VERSUS

Union Territory, Chandigarh and others

….

Respondents

CORAM:- HON'BLE MR. JUSTICE VINEY MITTAL
HON'BLE MR. JUSTICE H.S. BHALLA

PRESENT: Shri Sanjiv Bansal, Advocate for the petitioner.
Shri Deepak Sharma, Advocate for the respondents.

Viney Mittal,J.(Oral).

CM No.20386 of 2006

The prayer made in the application is allowed.

Documents Annexures P.5 and P.6 are taken on record.

CWP NO.18424 of 2005

The petitioner has approached this Court challenging the policy decision dated January 8,2005 (Annexure P.1) to the extent that respondent No.2 had permitted additional constructed area to the extent of 150 square feet only alongwith the rear boundary wall of the residential house and not connected to the main house. It has been claimed that the aforesaid stipulation contained in the policy was absolutely without any nexus with the object sought to be achieved by the said policy.

During the course of arguments, the learned counsel for the petitioner has placed reliance upon a fresh policy (Annexure P.5) dated July 18, 2006. The learned counsel has maintained that the construction already raised by the petitioner is wholly covered by the said modified policy decision.

Without commenting upon the claim made by the petitioner, as to whether the policy decision, Annexure P.5, covers the additional construction raised by the petitioner or not, we dispose of the present petition with a direction to Assistant Estate Officer, UT, Chandigarh (exercising the powers of Estate Officer) to examine the claim made by the petitioner. For the aforesaid purpose, the petitioner would be required to file a detailed and comprehensive representation, alongwith all the relevant documents, within a period of four weeks from the date a certified copy of this order is received. On receipt of the aforesaid representation, the Assistant Estate Officer shall take a decision on the said representation, keeping in view the modified policy framed by the Administration, by passing a detailed and speaking order. Before taking a final decision, an opportunity of personal hearing shall also be granted to the petitioner or his authorised representative. If an order adverse to the petitioner is passed by the Assistant Estate Officer, the said order shall not be given effect to for a period of one month from the date of passing of the said order, enabling the petitioner to challenge the same, in accordance with law.

The present petition is disposed of accordingly.

A copy of the order be given dasti on payment of usual charges.

(Viney Mittal)
Judge

December 12, 2006
KD

(H.S. Bhalla)
Judge